IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

Chamber Summons No. 922 of 2005
in
Summary Suit No. 2949 of 2004

Sushma Shriprakash Singh ..Plaintiff

vs.

Kadedin Dukharam Sharma and Anr. ..Defendants

Mr.Jitendra Shukla for plaintiff
Mr.Sachin Chavan i/b Shriram Kulkarni for defendant no.2.

CORAM: A.M.KHANWILKAR J.
29th August, 2005.

P.C.

. Heard counsel for the parties. Perused the pleadings. Indeed, the plaintiff may be justified in opposing this application. However, in my opinion, it is appropriate that the defendants are given an opportunity to defend the suit. The affidavit seeking relief to defend has not been filed for the reasons mentioned in the affidavit in support, in particular, the applicants were to disclose its stand on affidavit that will embarass the criminal trial pending between the parties. As the applicant is now willing to file the affidavit the chamber summons is allowed in terms of prayer clause (a) on the condition that the affidavit for seeking leave to defend be filed within two weeks from today. In addition, the applicant/defendant

sno.2 shall pay costs quantified at Rs.5000/- to the plaintiffs within one weeks from today. If the above conditions are not complied with in time, chamber summons be treated as dismissed and the limited protection granted to the applicants would stand vacated.